

DELTA PROTECTION COMMISSION

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January 10, 1997

To: Delta Protection Commission

From: Margit Aramburu, Executive Director

Subject: Staff Report and Recommendation on Proposed General Plan
Amendment of the CITY OF STOCKTON
(For Commission Action)

Background:

The Delta Protection Act states that within 180 days of the adoption of the regional plan, all local governments shall submit to the Commission proposed amendments which will cause their general plans to be consistent with the criteria in Section 29763.5 with respect to land located within the Primary Zone. The 180th day was August 22, 1995.

The Commission shall approve by a majority vote of the Commission membership, proposed general plan amendments of a local government, as to land within the Primary Zone, only after making all of the following written findings regarding the general plan and any development approved or proposed that is consistent with the plan:

- a. consistent with the regional plan (Land Use and Resource Management Plan for the Primary Zone of the Delta).
- b. will not result in wetland or riparian loss.
- c. will not result in the degradation of water quality.
- d. will not result in increased nonpoint source pollution.
- e. will not result in the degradation or reduction of Pacific Flyway habitat.

- f. will not result in reduced public access, provided the access does not infringe on private property rights.
- g. will not expose the public to increased flood hazard.
- h. will not adversely impact agricultural lands or increase the potential for vandalism, trespass, or the creation of public or private nuisances on public or private land.
- i. will not result in the degradation or impairment of levee integrity.
- j. will not adversely impact navigation.
- k. will not result in any increased requirements or restrictions upon agricultural practices in the primary zone.

Description of Lands within the City Limits:

The lands within the City Limits of the City of Stockton and the Primary Zone of the Delta include: the City's existing Waste Water Treatment Plant oxidation ponds (approximately 718 acres) and a 1.9 acre parcel owned by Mario Jacques (see attached map).

Existing General Plan:

The General Plan designates the ponds "Institutional" and Jacques parcel as "Industrial".

Existing Zoning:

The ponds are zoned "Public Lands" and the Jacques property is zoned "M-1, Light Industrial". The City could continue the holding pond use or consider other public facilities under the current zoning. Under the Public Lands zoning "any use which the public agency requires for its operation...any use compatible to public agency operations and under control of a public agency."

Proposed General Plan Amendment:

The City is proceeding with City (Planning Commission public hearing on November 14, 1996 and City Council tentative vote on January 13, 1997) consideration of a proposed General Plan amendment which would state:

Future changes to the City's General Plan and Zoning Code for lands in the City located within the Primary Zone of the Delta, as defined by the Delta Protection Act of 1992, shall be consistent with the goals of and comply with the Land Use and Resource Management Plan for the Primary Zone of the Delta adopted pursuant to Section 29763.5 of the Delta Protection Act of 1992.

NOTE: The proposed General Plan amendment has been modified to include the full name of the Commission's adopted Plan.

City Actions:

The Planning Commission reviewed the proposed General Plan amendment on November 14, 1996 and recommended approval on a vote of 7-0. Consideration by the City Council has been scheduled for January 13, 1997.

Commission Public Hearing:

The Commission held a public hearing on the proposed General Plan amendment on November 21, 1996. No comments were received from the public. A continued public hearing is scheduled for January 23, 1997, prior to Commission action.

Analysis in Comparison with the Commission's Adopted Plan:

The oxidation ponds are in public ownership and are being upgraded, indicating continued long term use by the City. About half the Jacques parcel is already developed with a warehouse structure.

The Commission's adopted regional plan states: "Where portions of Cities are located with the Primary Zone, Cities shall indicate zoning which was in place on January 1, 1992. Future changes to City General Plans or zoning ordinance shall conform to the adopted Land Use and Resource Management Plan" (Agriculture Policy P-12).

Analysis of Any Potentially Significant Adverse Environmental Impacts
Resulting from the Proposal Which Were not Previously Addressed in the
Commission's Planning Documents:

The proposed General Plan amendment would bring the City's General Plan into conformance with the Commission's Plan and Act; there would be no potentially significant adverse environmental impacts resulting from the proposal which were not previously addressed in the Commission's planning documents.

Staff Recommendation:

Staff recommends the Commission take any public comment at a continued public hearing, and subject to further issues, that the Commission find the proposed City of Stockton General Plan amendment, as amended to include the full name of the Commission's Plan, consistent with Section 29763.5 of the Delta Protection Act.

Attachments

1/10/97

DRAFT

RESOLUTION OF ADOPTION OF CITY OF STOCKTON SUBMITTAL

WHEREAS, the Delta Protection Commission adopted the "Land Use and Resource Management Plan for the Primary Zone of the Delta" (Plan) on February 23, 1995; and

WHEREAS, the Delta Protection Act requires that within 180 days of the adoption of the Plan all local governments shall submit to the Commission proposed amendments which will cause their general plans to be consistent with the criteria in Section 29763.5 of the Act with respect to land located within the Primary Zone; and

WHEREAS, the Delta Protection Commission received a letter dated August 21, 1995 from John Carlson, Director, Community Development Department, in which the City indicated it wanted the lands within the City boundary removed from the Primary Zone; and

WHEREAS, Commission staff prepared a staff report and preliminary staff analysis dated September 15, 1995, and invited City staff to attend the public hearing to address issues raised in the staff report; and

WHEREAS, the Commission noticed a 30 day review period starting September 15, 1995; and

WHEREAS, the City staff declined to submit the information requested and did not attend the public hearing on September, 28, 1995; and

WHEREAS, the Commissioner held a public hearing on September 28, 1995; and

WHEREAS, Commission staff sent a letter dated October 6, 1995 clarifying that portions of the City of Stockton are in the Delta Primary Zone; and

WHEREAS, a continued public hearing was held on October 26, 1995 and no written material was submitted and no City staff attended the continued public hearing; and

WHEREAS, the City staff submitted additional written materials in a letter dated April 23, 1996, but stated the City did not intend to amend its General Plan at that time; and

WHEREAS, Commission staff responded in a letter dated May 23, 1996, requesting proposed General Plan amendment language; and

WHEREAS, upon receipt of the City of Stockton's proposed general plan amendment, Commission staff prepared a revised staff report and preliminary staff analysis dated November 8, 1996, including an analysis of the proposed amendment in comparison to the Plan and an analysis identifying any potentially significant adverse environmental impacts resulting from the proposed amendments which were not previously addressed in the Commission's planning documents; and

WHEREAS, the Delta Protection Commission received a letter dated November 20, 1996, from John Carlson, Secretary for the Planning Commission, with an attached staff report describing a proposed General Plan amendment and stating that the City of Stockton Planning Commission recommended approved of the proposed amendment by a vote of 7 to 0 on November 14, 1996; and

WHEREAS, the Delta Protection Commission scheduled, noticed, and held public hearings at its meeting of November 21, 1996, and January 23, 1997; and

WHEREAS, notice of the availability of the staff report and analysis, and of the thirty day comment period, was provided to the public through a notice published on December 4, 1996, in the Sacramento Bee and the Stockton Record, both newspapers of general circulation in the Delta area; and

WHEREAS, before adopting a proposed general plan amendment, the Commission is required to make the following findings:

- (a) The general plan, and any development approved or proposed that is consistent with the plan, are consistent with the regional plan.
- (b) The general plan, and any development approved or proposed that is consistent with the plan, will not result in wetland or riparian loss.
- (c) The general plan, and any development approved or proposed that is consistent with the plan, will not result in the degradation of water quality.
- (d) The general plan, and any development approved or proposed that is consistent with the plan, will not result in increased nonpoint source pollution.

(e) The general plan, and any development approved or proposed that is consistent with the plan, will not result in the degradation or reduction of Pacific Flyway habitat.

(f) The general plan, and any development approved or proposed that is consistent with the plan, will not result in reduced public access, provided the access does not infringe on private property rights.

(g) The general plan, and any development approved or proposed that is consistent with the plan, will not expose the public to increased flood hazard.

(h) The general plan, and any development approved or proposed that is consistent with the plan, will not adversely impact agricultural lands or increase the potential for vandalism, trespass, or the creation of public or private nuisances on public or private land.

(i) The general plan, and any development approved or proposed that is consistent with the plan, will not result in the degradation or impairment of levee integrity.

(j) The general plan and any development approved or proposed that is consistent with the plan, will not adversely impact navigation.

(k) The general plan, and any development approved or proposed that is consistent with the plan, will not result in any increased requirements or restrictions upon agricultural practices in the primary zone.

WHEREAS, Commission staff has consulted with all public agencies which have jurisdiction by law over the activities or resources affected by the proposed general plan amendments; and

WHEREAS, Commission staff has prepared a written summary and response to all significant environmental points raised during the Commission's evaluation of the proposed general plan amendments, and the summary and response were presented to the Commission for consideration and approval prior to or at the same time as the Commission considered the proposed general plan amendments for approval; and

WHEREAS, the Commission has determined that the proposed general plan amendment will not result in any potentially significant adverse environmental impacts resulting from the proposal which were not previously addressed in the Commission's planning documents; and

WHEREAS, the Commission finds that findings (a) through (k), above, regarding the proposed general plan amendments of City of Stockton satisfy the requirements of Public Resources Code Section 29763.5;

THEREFORE BE IT RESOLVED, the Delta Protection Commission has approved, by a majority vote of the Commission membership, the proposed general plan amendments of City of Stockton, under the findings described in Section 29765 of the Public Resources Code.

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DELTA PROTECTION ACT OF 1992

MAP OF ZONES

SACRAMENTO-SAN JOAQUIN DELTA

